

REMARKS

This Amendment is filed in response to the Final Action of December 4, 2009 in which claims 1-22 were rejected.

The Examiner still argues in the Office Action that the *Gunnarsson* reference would teach also the aspect of using the mixer 27 in the Bluetooth mode based on the teaching of page 6, lines 4-7:

In one preferred embodiment of the invention, the mixer 27 is included in the standard circuits of the Bluetooth radio 24 as an integrated unit, and the portable communications unit is adapted to read identification devices that deliver a backscatter signal according to the Bluetooth standard.

The Examiner's rationale is that as the mixer 27 is an integrated part of the Bluetooth radio unit, and this would lead to conclusion that the mixer 27 is used in both of the modes, operating either as an RF tag reader or as a bluetooth transceiver. This conclusion, however does not have any basis as the mixer 27 is used only when RFID operation mode is used according to the teachings of the *Gunnarsson* reference. The above teaching does not relate to the actual functionality of the mixer, but merely teaches a compact design that is advantageous for small electronic devices, such as mobile telephones. See e.g. page 2, lines 25-32 of the *Gunnarsson* reference. It is not correct for the Examiner to conclude that the passage at lines 4-5 on page 6 of the reference clearly prove that the mixer can also be used in the bluetooth mode in another embodiment of the reference.

Claim 1 of the present application clearly sets forth that the controller is configured to control the mixer to operate in both of the two modes, i.e., operating either as a radio frequency tag reader or as a bluetooth transceiver by changing reception and transmission capabilities of the transceiver. The mixer is not merely useable in the sense of being incorporated in the same integrated circuit with another mixer for the bluetooth transceiver part of the integrated circuit. In other words, it is not necessary for the applicant to state specifically how the mixer is

used except to state that it is configured by the controller to operate it in both of the two modes. Obviously, if the mixer 27 of Fig. 2 of *Gunnarsson* is incorporated into an integrated circuit along with the mixer 9 of Fig. 1 and is used in the RFID mode in the same way that it is used in the separate entity in Fig. 2, it is not by the mere fact of being co-located with the bluetooth mixer “useable for said transceiver operating as said radio frequency tag reader or as said bluetooth transceiver.” This is because it is not useable as a mixer for a bluetooth transceiver since the bluetooth transceiver would continue to operate with the mixer 9.

Simply put, the *Gunnarsson* reference does not teach using the mixer 27 in Bluetooth mode but rather teaches a design choice where the RFID functionality can be integrated into the Bluetooth radio in a compact manner as would be advantageous in connection with handheld portable electronic devices, such as mobile telephones.

The objections and rejections of the Office Action of December 4, 2009, having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of claims 1-22 to issue is earnestly solicited.

Respectfully submitted,

/Francis J. Maguire/

Francis J. Maguire
Attorney for the Applicant
Registration No. 31,391

FJM/mo
WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
755 Main Street, P.O. Box 224
Monroe, Connecticut 06468
(203) 261-1234